

## **ARTICLE ELEVEN**

### **AIRPORT ENVIRONS**

**11.00.00 FINDINGS:** The Board of County Commissioners of Santa Rosa County has considered, among other things, the character of the operations conducted and proposed to be conducted at the various airports in the applicable areas of Santa Rosa County, the nature of the terrain and the character of the area within the airport hazard area; the current uses of property and the uses for which it is applicable, and the Board finds as follows:

- A. There exist airports within Santa Rosa County and in proximity to Santa Rosa County whose operations are potentially inimical to the health, safety and general welfare of the citizens of Santa Rosa County;
- B. Airport hazards endanger the lives and property of users of airports and occupants and owners of property in their vicinity;
- C. Airports produce noise which is not compatible with residential uses and certain commercial and industrial uses;
- D. Obstructions reduce the size of the area available for the landing, taking off and maneuvering of aircraft, thus tending to destroy or impair the utility of the airport and the public investment therein;
- E. The creation or establishment of an airport hazard injures the community served by the airport in question; and
- F. In the interest of the public health, safety and general welfare, it is necessary that the creation or establishment of airport hazards be prevented.

**11.01.00 APPLICABILITY:** The regulations on land use set forth herein are applicable to all lands within the delineated zones set forth on Maps 1 (Airport Environs Zones) and 2 (Height Limitations), which are incorporated herein by reference and which are available for review and inspection in the Office of the Santa Rosa County Planning Director. The delineated zones shall be an overlay district onto the adopted zoning maps.

**Updated 10-22-98**

**11.02.00      CONFLICTING REGULATIONS:** In the event of conflict between any regulations in this article and any other regulations applicable to the same property, the more stringent limitation or regulation shall govern and prevail.

**11.03.00      HEIGHT LIMITATIONS:** In order to carry out the provisions of this article, there are hereby created and established certain airport zones and surfaces. These zones are shown and recorded as Airport Environs Zones and may be found in Official Record Book 807, Pages 62 - 86. The Zone Maps may also be found in Ordinance Book 2, Pages 122 - 146. These zones and maps are incorporated herein by reference and made a part hereof.

- A. Any property or area located in more than one of the zones or surfaces described in this article shall be considered to be only in the zone or surface with the more restrictive height limitation.
- B. Except as otherwise provided, no structure shall be constructed or maintained, or tree permitted to grow within any zone or surface created herein in excess of the height limitations established herein. In addition, no structure or obstruction will be permitted within Santa Rosa County that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

**11.03.01      Public Civil Airports:** The various zones and surface height limitations are hereby established for public civil airports:

- A. Primary Surface: An area longitudinally centered on a runway, extending 200 feet beyond each end of that runway, with a width determined by the operational characteristics of each runway. No structure or obstruction will be permitted within the primary surface that is not part of the landing and takeoff area and is of a greater height than the nearest point on the runway center line.
- B. Runway Clear Zone: A trapezoidal area at ground level, under the control of the airport authorities, for the purpose of protecting the safety of approaches and keeping the area clear of the congregation of people. The runway clear zone is the same width as the primary surface and begins at the end of the primary surface and is centered upon the extended runway centerline. The length and width are determined by the operational characteristics of each runway (FAA Circular 1500/5300-4B).
- C. Horizontal Surface: The area around each civil airport, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway and connecting the adjacent area by lines tangent

to those arcs.

- D. Conical Surface: The area extending outward from the periphery of the horizontal surface for a distance of 4,000 feet. Height limitations for structures in the conical surface are 150 feet above airport height at the inner boundary and increases one foot vertically for every 20 feet horizontally to a height of 350 feet above airport height at the outer boundary.
- E. Approach Surface: An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach surface is designated for each runway based upon the type of approach available or planned for at the runway end. The inner edge of the approach surface is the same width as the primary surface and expands uniformly to a width for each runway as set out hereinafter for each airport.
- F. Transitional Surface: The area extending from the side of the primary surface and approach surfaces and connecting them to the horizontal surface. Height limits within the transitional surface are the same as the primary surface or approach surface at the boundary line where it adjoins and increases at a rate of one foot vertically for every 7 feet horizontally with the horizontal distance measured at right angles to the runway centerline and the extended centerline, until the height matches the height of the horizontal surface or conical surface. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

**11.03.02**     **Military Airports**: The various zones and surface height limitations are hereby established for military airports:

- A. Primary Surface: An area longitudinally centered on each runway and extending 200 feet beyond the runway end. The width of the primary surface varies for the type of aircraft accommodated as follows:
  - 1.        Jets and large turbo-prop aircraft - 1,500 feet.
  - 2.        Prop and small turbo-prop aircraft - 1,000 feet.
- B. Clear Zone: The area adjacent to the landing threshold extending outward for 3,000 feet. The width varies as follows:

1. Jets and large turbo-prop aircraft - fan-shaped, the inner boundary is the same width as the primary surface and commencing 200 feet out from the threshold expands at an angle of 7 degrees 58 minutes and 11 seconds to a width of 2,284 feet.
  2. Prop and small turbo-prop aircraft - 1,000 feet.
- C. Inner-Horizontal Surface: The area encompassing the runway, primary surface and clear zone with an outer perimeter formed by swinging arcs from the end of each runway centerline and connecting adjacent arcs by lines tangent to these arcs. The radius of the arcs are 7,500 feet. No structure or obstruction will be permitted in the inner-horizontal surface of a greater height than 150 feet above airport elevation.
- D. Conical Surface: A surface extending from the periphery of the inner horizontal surface outward and upward at a slope of 20:1 for a horizontal distance of 7,000 feet to a height of 500 feet above the established airfield clearance.
- E. Outer-Horizontal Surface: The area extending outward from the outer periphery of the conical surface is 500 feet above airport elevation.
- F. Approach Surface: The area longitudinally centered on each runway centerline, with an inner boundary 200 feet from the end of the runway and the same width as the primary surface then extending outward for a distance of 50,000 feet expanding uniformly in width to 16,000 feet at the outer boundary. Height limits within the approach surface commence at the height of the runway end and increases at the rate of one foot vertically for every 50 feet horizontally for a distance of 25,000 feet at which point it remains level at 500 feet above airport elevation to the outer boundary.
- G. Transitional Surface: The area with an inner boundary formed by the side of the primary surface and the approach surface then extending outward at a right angle to the runway centerline and extended centerline until the height matches the adjoining inner horizontal surface, conical surface and outer horizontal surface height limit. The height limit at the inner boundary is the same as the height limit of the adjoining surface and increases at the rate of one foot vertically for every seven feet horizontally to the outer boundary of the transitional surface, where it again matches the height of the adjoining surface.

**11.03.03      Naval Helicopter Outlying Fields:** The various zone and surface height limitations are hereby established for Naval helicopter outlying fields:

- A.    Primary Surface: An area horizontally centered on the helipad at the established elevation of landing, 150 feet wide and 150 feet in length.
- B.    Takeoff Safety Zone: The takeoff safety zone shall be used as the clear zone. It is an area which underlies the first 400 feet of the approach-departure surface [refer to 3].
- C.    Approach-Departure Surface: An inclined plane which flares upward and outward from the helipads longitudinally extended centerline which starts at the end of the primary surface with the same width as the primary surface and expands to a width of 500 feet, 4,000 feet from the primary surface. The slope ratio is 1 foot vertically for every 10 feet horizontally.
- D.    Transitional Surface: The area which extends outward and upward from the lateral boundaries of the primary surface and from the approach surface at a slope of 2 to 1 for a distance of 250 feet from the centerline of the landing area.
- E.    Helicopter Traffic Pattern Airspace: No structure shall exceed 200 feet above ground level in the traffic pattern airspace. The area protected around each helicopter OLF is determined by the capacity limit of the OLF.

**11.04.00      Use Restrictions:** Notwithstanding any provision of Article 6 of this ordinance, the permitted land use for any property within the Airport Environs Area shall be modified as set forth in Table 11-1.

**11.04.01      Key to Table 11-1**

- A.    Accident Potential Zones (APZ's) are divided into three types along primary flight paths. The Clear Zone is an area which possesses a high potential for accidents. APZ 1 is the area normally beyond the Clear Zone which possesses a significant potential for accidents. APZ 2 is and are normally beyond APZ 1 which has a measurable potential for accidents.
- B.    Airport Noise Zones are hereby established as follows:

<u>Airport Noise Zone</u>	<u>Ldn Values</u>
1	Less than 65
2	65 to 75
3	Greater than 75

C. Airport Environs Zones are hereby established as follows:

<u>Area</u>	<u>Characteristics</u>
A	Clear Zone
B3	Accident Potential Zone 1 & Noise Zone 3
B2	Accident Potential Zone 1 & Noise Zone 2
B1	Accident Potential Zone 1 & Noise Zone 1
C3	Accident Potential Zone 2 & Noise Zone 3
C2	Accident Potential Zone 2 & Noise Zone 2
C1	Accident Potential Zone 2 & Noise Zone 1
3	Noise Zone 3
2	Noise Zone 2

D. Development

1. Acceptable Development: The provisions of Article Six are appropriate without modification.
2. Conditional Development: The land uses set forth in Article Six are appropriate; however, certain conditions or safeguards need to be imposed to protect the public interest.
3. Unacceptable Development: The land uses permitted by Article Six are incompatible with and prohibited by the airport environs zone in which the property is located.

**11.04.02      Conditions for Development:** This section is intended to be used with Table 11-

1. For the purposes of this section, NLR means Noise Level Reduction.

1. No passenger terminals are permitted.
2. No structures (except airfield lighting), buildings or above ground utility communications lines shall be located in the Clear Zone.
3. Permitted only within height constraints.
4. Hunting and Fishing is permitted only for wildlife control.
5. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA, A-weighted (dBA) reception, office, retail and employee lounge areas.
6. Compatible development is conditioned on design and construction providing for a NLR of 30 dBA throughout the facility.
7. Chapels are not permitted.
8. Development is subject to the condition that spectator stands are not built as part of this land use operation.
9. Development is subject to the condition that clubhouses are not built as part of this land use operation.
10. Development is subject to the condition that concentrated rings with classes larger than 25 are not built as part of this land use operation.
11. Residential structures are not permitted.
12. Compatible development is conditioned on design and construction providing for an NLR of 25 dBA in reception, office, retail and employee lounge areas.
13. Compatible development is conditioned on design and construction providing for an NLR of 25 dBA throughout the facility.
14. Compatible development is conditioned on design and construction providing for an NLR of 35 dBA throughout the facility.

15. Development is subject to the condition that concentrated rings with classes larger than 50 are not built as part of this land use operation.
16. Development is subject to the condition that maximum density not to exceed 2 dwelling units per acre.
17. Compatible development is conditioned on dwelling design and construction providing for an NLR of 30 dBA and location of outdoor activity areas such as balconies and patios on the side of the building which is sheltered from the aircraft flight path.
18. Development is subject to the condition that meeting places, auditoriums and the like for gatherings of more than 25 people are not built as part of this land use operation.
19. Development is subject to the condition that the park is oriented toward forest trails and similar activities which do not concentrate groups of people greater than 50 within the park. Playgrounds are not permitted.
20. Development is subject to the condition that meeting places, auditoriums and the like for a gathering of more than 50 people are not built as part of this land use operation.
21. Compatible development is conditioned on residential unit design and construction providing for an NLR of 35 dBA and location of outdoor activity areas such as balconies and patios on the side of the building which is sheltered from the aircraft flight path.
22. Compatible development is conditioned on design and construction providing for an NLR of 30 dBA in the club house.
23. Compatible development is conditioned on design construction providing for an NLR of 35 dBA in permanent residential units and 30 dBA in other permanent structures.
24. Development is subject to the condition that maximum density not exceed 1 dwelling unit per five acres.

**TABLE 11 - 1**  
**LAND USE OBJECTIVES**

<u>LAND USE CATEGORY</u>	<u>AIRPORT ENVIRON AREAS</u>								
	A	B3	B2	B1	C3	C2	C1	3	2
<u>RESIDENTIAL:</u>									
Single Family Dwellings	No	No	*24,14	*24	No	*16,17	*16	No	*17
2 Family Dwellings; Multi-Family Dwellings; Mobile Home Parks or Courts	No	No	No	No	No	No	No	No	*17
Group Quarters; Residential Hotels; Transient Lodgings	No	No	No	No	No	No	No	*21	*17
<u>INDUSTRIAL/MANUFACTURING:</u>									
Food and Kindred Products; Textile Mill Products	No	No	No	No	*5	*12	Yes	*5	*12
Apparel; Chemicals & Allied Products Activities; Petro Refining & Related Rubber & Misc. Plastic Products	No	No	No	No	No	No	No	*5	*12
Lumber & Wood Products; Furniture & Fixtures; Paper and Allied Products; Printing & Publishing; Stone, Clay & Glass Products; Primary Metal Industries; Fabricated Metal Products; Product Assembly; Motor Freight; Warehousing	No	*5	*12	Yes	*5	*12	Yes	*5	*12
Professional, Scientific & Control Instruments	No	No	No	No	No	*12	No	*5	*12

**TABLE 11 - 1**

YES = ACCEPTABLE DEVELOPMENT

\* = CONDITIONAL DEVELOPMENT PERMITTED BY SECTION 11.04.02

NO = UNACCEPTABLE DEVELOPMENT AND PROHIBITED

**LAND USE CATEGORY****AIRPORT ENVIRON AREAS**

A B3 B2 B1 C3 C2 C1 3 2

**TRANSPORTATION, COMMUNICATION AND UTILITIES:**

Railroad; Rapid Transit (on grade)	*1/3	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Highway & Street Right-of-Way	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Automobile Parking	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Communications	*3	*5	*12	Yes	*5	*12	Yes	*5	*12
Utilities (except above ground transmission lines)	*2	*5	*12	Yes	*5	*12	Yes	*5	*12
Above Ground Transmission Lines	No	No	No	No	Yes	Yes	Yes	Yes	Yes

**COMMERCIAL/RETAIL TRADE:**

Wholesale Trade; Building Material; Hardware; Farm Equipment (Retail); Auto, Marine, Aviation (Retail)	No	*5	*12	Yes	*5	*12	Yes	*5	*12
General Merchandise (Retail); Food Retail; Apparel and Accessories(Retail)	No	No	No	No	*6	*13	Yes	*6	*13
Furniture; Home Furnishings (Retail)	No	No	No	No	*6	*12	Yes	*6	*13
Eating & Drinking Establishments	No	No	No	No	No	No	No	*14	*6

**PERSONAL & BUSINESS SERVICES:**

Finance; Real Estate; Insurance; Personal Services; Business Services; Professional Services; Indoor Recreation Services	No	No	No	No	*14	*6	Yes	*14	*6
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YES = ACCEPTABLE DEVELOPMENT

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NO = UNACCEPTABLE DEVELOPMENT AND PROHIBITED

**LAND USE CATEGORY**

**AIRPORT ENVIRON AREAS**

	A	B3	B2	B1	C3	C2	C1	3	2
Repair Services; Contract Construction Services	No	*6	*13	Yes	*6	*13	Yes	*6	*13
Automobile Service Stations	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

**PUBLIC & QUASI-PUBLIC SERVICES:**

Government Services	No	No	No	No	No	*13,18	*20	*6	*13
Educational Services; Cultural Activities; Non-Profit Organizations	No	No	No	No	No	No	No	No	*14
Medical & Other Health Services	No	No	No	No	No	No	No	*6	*14
Cemeteries	No	*7	*7	*7	*7	*7	*7	Yes	Yes

**OUTDOOR RECREATION:**

Playground; Neighborhood Parks	No	No	No	No	No	*19	*19	No	Yes
Community & Regional Parks	No	*8	*8	*8	*8	*8	*8	Yes	Yes
Nature Exhibits	No	*6	*13	Yes	No	*13	Yes	*6	Yes
Spectator Sports Including Arenas	No	No	No	No	No	No	No	No	Yes
Golf Courses; Riding Stables	No	*9,10	*9,10	*9,10	*9,15	*9,15	*9,15	*22	Yes
Water Based Recreation Area	No	*9	*9	*9	*9	*9	*9	*22	Yes
Resorts and Group Camps	No	No	No	No	No	No	No	*23	Yes
Entertainment Assembly; Amphitheater; Music Shell	No	No	No	No	No	No	No	No	No

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YES = ACCEPTABLE DEVELOPMENT

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NO = UNACCEPTABLE DEVELOPMENT AND PROHIBITED

**LAND USE CATEGORY**

**AIRPORT ENVIRON AREAS**

**RESOURCE PRODUCTION, EXTRACTION & OPEN LAND:**

	A	B3	B2	B1	C3	C2	C1	3	2
Agriculture Including Livestock Grazing	*2	*11	*24,17	*24	*11	*17	Yes	*21	*17
Livestock Farms; Animal Breeding	No	No	*24,17	*24	No	*17	Yes	No	*17
Agriculture Related Activities	No	*11	*24,17	*24	*11	*17	Yes	No	*17
Forestry Activities	*3	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Fishing Activities	*4	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mining Activities	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Undeveloped Areas; Unused Land Areas; Permanent Open Space; Water Areas	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

**11.05.00      USES INTERFERING WITH AIRCRAFT:** It is unlawful to establish, maintain or continue any use within the airport hazard area in such a manner as to interfere with the operations of aircraft. The following requirements shall apply to all lawfully established uses within the airport hazard area:

- A. All lights or illumination used in conjunction with street, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from an airport or in a vicinity thereof as determined by the airport operator.
- B. No operations of any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway or a designated airport.
- C. No operations or any type shall produce electronic interference with navigation signals or radio communication between the airport and the aircraft.
- D. No use of land shall be permitted which encourages large concentrations of birds or waterfowl within the vicinity of an airport.
- E. Sanitary landfills will be considered as an incompatible use if located within areas established for the airport through the application of the following criteria:
  - 1. Landfills located within 10,000 feet of any runway used or planned to be used by turbojet or turboprop aircraft.
  - 2. Landfills located within 5,000 feet of any runway used only by piston type aircraft.
  - 3. Landfills outside the above perimeters but within the conical surfaces described by FAR Part 77 and applied to an airport will be reviewed on a case-by-case basis.
  - 4. Any landfill located that places the runways and/or approach and departure patterns of an airport between bird feeding, water or roosting areas.

**11.06.00      LIGHTING:** Notwithstanding the provisions of any other article, section or ordinance, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Advisory Circular 70-7460-1 Series and Amendments thereto on that structure. In addition, the owner shall construct high intensity white obstruction lights on a high structure which exceeds 749 feet above mean sea level.

**11.06.01      Hazard Marking and Lighting:** In granting any permit or variance under this

article, the Building Inspection Department or the Board of Adjustment may, if it deems such action advisable to effectuate the purposes of this ordinance and reasonable under the circumstances, so condition such permit or variance as to require the owner of the structure or tree in question to permit Santa Rosa County or the United States Government, at its own expense, to install, operate and maintain thereon, such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

**11.07.00     NONCONFORMING USES:** No provision of this article shall require the removal, lowering, or other change or alteration of any structure or tree not conforming to these regulations when adopted or amended, or otherwise interfere with the continuance of any nonconforming use, except as set forth herein.

**11.07.01**     No nonconforming structure or tree shall be increased, permitted to grow taller or otherwise become a greater hazard to air navigation than it was when it became nonconforming.

**11.07.02**     In the event that a nonconforming use or nonconforming structure has been abandoned for a period of one year or is more than eighty percent torn down, destroyed, deteriorated, or decayed, the structure or use shall not be resumed, repaired or reconstructed except in conformance with all applicable regulations.

**11.07.03**     Within zones A, B1 and C1 for OLF Holley, single family dwellings, up to a density of four units per acre, may be placed or constructed on any existing or future lot despite the fact that it does not conform with the minimum lot requirements set forth in paragraphs (B), (P) and (X) of Section 11.04.02.

Within zone B1 for OLF Spencer, one single family dwelling may be constructed on a lot which was of record or subject to a written contract for purchase as of September 1, 2002, despite the fact that it does not conform with the minimum lot requirements set forth in paragraphs (B), (P) and (X) of Section 11.04.02., providing that all other applicable regulations and ordinances are complied with. The location of any single family home constructed on such nonconforming lot shall be reviewed and approved by the Planning Department so as to minimize airport hazards.

**11.08.00     PERMITS**

**11.08.01**     No new structure or use may be constructed or established or any existing use or structure substantially changed or altered or repaired within the airport hazard area unless a permit has been granted by the Building Inspection Department. Each application for a permit shall indicate the purpose for which the permit is desired with sufficient particularity to permit a determination as to whether the resulting use, structure or growth would conform to the regulations herein prescribed. If the determination is affirmative, the permit shall be granted. No permit shall be granted that would allow the creation of an airport hazard.

**Modified 9/26/2002**

**11.08.02** No nonconforming structure or tree may be replaced, substantially altered or repaired, rebuilt, allowed to grow higher or replanted within the airport hazard area unless a permit has been granted by the Building Inspection Department. No permit shall be granted that would permit a nonconforming structure or tree or nonconforming use to be made or become higher or become a greater hazard to air navigation than it was when the applicable regulation was adopted or when the application for a permit is made.

**11.08.03** Whenever the Building Inspection Department determines that a nonconforming use or nonconforming structure or tree has been abandoned for more than one year or is more than eighty percent torn down, destroyed or deteriorated, or decayed, no permit shall be granted that would allow said structure or tree to exceed the applicable height limit or otherwise deviate from applicable regulations.

**11.08.04** Except as provided herein, applications for permits shall be granted, provided the matter applied for meets the provisions of this article and the regulations adopted and in force hereunder.

**11.09.00** **DISCLOSURE STATEMENT:** No person shall sell, lease, nor offer for sale or lease any property within the airport hazards area unless the prospective buyer or lessee has been given the following notice:

To: \_\_\_\_\_

The property at \_\_\_\_\_ (address) is located within the airport environs of \_\_\_\_\_ (airport). Santa Rosa County has determined that this is an area of airport operations. The County has placed certain restrictions on the development and use of property within airport environs zones in addition to the restrictions in Article Six of the Land Development Code (the zoning code). Before purchasing or leasing the above property, you should consult Article Eleven of the Santa Rosa County Land Development Code to determine the restrictions which have been placed on the subject property.

Certification

As the owner of the subject property, I hereby certify that I have informed \_\_\_\_\_, as a prospective purchaser/lessee, that the subject property is located in an Airport Environs Zone.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

As a prospective purchaser/lessee of the subject property, I hereby certify that I have been informed that the subject property is in an Airport Environs Zone and I have consulted Article Eleven of the Santa Rosa County Land Development Code to determine the restrictions which have been placed on the subject property.

Dated this \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Purchaser/Lessee

**11.10.00     APPEALS**

- A. Any person aggrieved, or taxpayer affected, by any decision of an administrative official or agency made in its administration of the regulations adopted under this article, or any governing body of a political subdivision, which is of the opinion that a decision of such an administrative official or agency is an improper application of airport zoning regulations of concern to such governing body or board, may appeal to the Board of Adjustment the decisions of such administrative official or agency. Appeals shall be made and heard pursuant to Section 2.03.00 et. seq. of this ordinance.
- B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the agency or official from which the appeal is taken, certifies to the Board of Adjustment (BOA), after the notice of appeal has been filed with it, that by reasons of the facts stated in the certificate a stay would, in its opinion, cause imminent peril to life or property. In such cases, proceedings shall not be stayed otherwise than by an order of the BOA on notice to the agency from which the appeal is taken and on due cause shown.

**11.10.01     Special Exception - Private Airports and Helicopter Landing Sites:** In addition to the special exceptions which may be considered by the BOA pursuant to Section 2.04.000 of this ordinance, the Board may grant a special exception for a private airport or helicopter landing site if it finds the following:

- A. That the applicant has obtained all necessary permits from state and federal agencies for the operation of the facility;
- B. That the proposed use is consistent with the highest order of safety;
- C. That the operation of the facility is compatible with surrounding land uses;

- D. That the proposed use will not adversely affect the public interest.

The Board may prescribe appropriate conditions and safeguards to effectuate the purposes of this article.

**11.10.02 Variances:** In addition to the regulations, standards and procedures described in Section 2.04.00 et. seq. of this ordinance, the Board of Adjustment may consider variances to this article as follows:

- A. Any person desiring to erect any structure, or increase the height of any structure, or permit the growth of any tree, or otherwise use his property in violation of the regulations set forth herein may apply to the Board of Adjustment for a variance from the regulations in question.
- B. Any person desiring to erect, alter or modify any structure, the result of which would exceed the federal obstruction standards as contained in 14 C.F.R. Sec. 77 specifically 14 C.F.R. Sections 77.21 (scope), 71.23 (standards), 77.25 (civil airports), 77.28 (military airports), 77.29 (helicopters), FAA Handbook 7400.2C (Procedures for Handling Airspace Matters), and FAA circular 1500/5300-4B (zoning and grants) may apply to the Board of Adjustment for a variance from the regulations in question.
- C. Such variances shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of regulations and this article. Provided, that any variance may be allowed subject to any reasonable conditions that the Board of Adjustment may deem necessary to effectuate the purposes of this ordinance.

**11.11.00 ADMINISTRATION AND ENFORCEMENT:** It shall be the duty of the Building Inspector or his duly appointed designee to implement and enforce the regulations prescribed herein within the territorial limits over which Santa Rosa County has jurisdiction. In the event that the Building Inspector finds any violation of the regulations contained herein, the Building Inspector shall give written notice to the person responsible for such violation. The Building Inspector shall order the discontinuance of any work being done or take such action which is necessary to correct violations and obtain compliance with the article.

**11.11.01 Remedies**

- A. Whether an application is made for a permit or not, the Building Inspection Department may, by appropriate action, compel the owners of the nonconforming structure or tree that has been abandoned or is more than eighty percent torn down, destroyed, deteriorated or decayed, at the owner's expense, to lower, remove, reconstruct or equip such object as may be necessary to conform to the regulation.

- B. If the owner of the nonconforming structure or tree shall neglect or refuse to comply with such order for ten days after notice thereof, the Planning Board (LPA) may report the violation to the Board of County Commissioners which may proceed to have the object so lowered, removed, reconstructed or equipped and assess the cost and expense thereof upon the object of land whereon it is or was located.
- C. Unless such an assessment is paid within ninety days from the service of notice thereof on the owner or his agent, the sum shall be a lien on said land and shall bear interest hereafter at the rate of six (6) percent per annum until paid and shall be collected in the same manner as taxes on real property are collected, or, at the County's option, said lien may be enforced in the manner provided for the enforcement of liens by Chapter 85, F.S.